



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



August 31, 2018

In Reply Refer To:
1278-FOIA (640)
FOIA# 2018-00730

Sierra Club
ATTN: Marta Darby
2101 Webster Street, Suite 1300
Oakland, CA 94612
marta.darby@sierraclub.org

Dear Marta Darby;

This letter is the first interim response to your Freedom of Information Act (FOIA) request submitted to the BLM, dated April 2, 2018 and assigned the BLM FOIA control number BLM-2018-00703. In your request you are seeking the following:

- 1) All records reflecting any communication, written or verbal, to any Chief FOIA Officer, Department FOIA Policy Staff, FOIA and Privacy Act Appeals Officer, Bureau FOIA Officer, BLM FOIA Officer, Action Office, Office of the Secretary FOIA Officer, Electronic FOIA tracking system user, FOIA Public Liaison, Records Management Officer, or employee, in any program, office, regional office, department, or other subdivision within BLM, concerning any policies, procedures, guidelines, protocols, directives, or other instructions on the processing, assignment, handling, or disposition of FOIA requests received by BLM. These include but are not limited to records regarding the release of records, determinations regarding fee waiver requests, assignment to Action Offices, processing within Action Offices, collection and review of responsive records, approvals to release or withhold records, claims of exemption, or instructions to subject matter experts;
- 2) All records reflecting any communication, written or verbal, involving the Office of the Secretary, Office of the Solicitor, Head of Bureau, or Director (or Deputy Director) of the BLM, concerning the handling, processing, or disposition of FOIA requests;
- 3) All records reflecting any communication, written or verbal, involving the designated Chief FOIA Officer at BLM, concerning the handling, processing, or disposition of

FOIA requests;

- 4) All records reflecting any communication, written or verbal, between any representative of the Department's FOIA program and any FOIA Officer, Department FOIA Policy Staff, FOIA Public Liaison, the Chief FOIA Officer at Interior, Head of Bureau, Bureau FOIA Officer, BLM FOIA Officer, the Office of General Counsel, Bureau Office, Action Office, or the Office of Inspector General, concerning the handling, processing, or disposition of FOIA requests; and
- 5) All records reflecting any communication, written or verbal, to or from the designated Chief FOIA Officer at Interior or BLM, or any other FOIA Officer, concerning instituting a process for review of FOIA responses by the Department of Interior's Office of the Executive Secretariat and Regulatory Affairs, or by the BLM FOIA Office, prior to their release.

We are making this interim release in response to your request, as clarified through subsequent discussions, and pursuant to our search and production agreement. For this interim release, we are releasing 32 pages of responsive records. 30 pages are being released to you in their entirety and 2 pages are partially withheld under FOIA Exemption 6.

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6).

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens 'know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by

disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of this individual and we are withholding it under Exemption 6.

Ryan Witt, Bureau of Land Management (BLM) FOIA Officer, is responsible for this partial release. Rachel Spector, Attorney Advisor in the Office of the Solicitor, was consulted.

Sincerely,

Ryan Witt, Acting Chief
Division of Intergovernmental and
External Affairs